

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:20-CR-111-D
No. 4:22-CV-104-D

SHELLEY PHILLIPS BANDY,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

ORDER

For the reasons stated in respondent's memorandum in support of its motion to dismiss or, alternatively, for summary judgment [D.E. 89], the court GRANTS respondent's motion for summary judgment [D.E. 88] and DISMISSES petitioner's motion to vacate [D.E. 80]. The court DENIES as moot petitioner's motion for an extension of time [D.E. 91]. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

For the reasons stated in respondent's response to petitioner's motion for compassionate release [D.E. 97], the court DENIES petitioner's motion for compassionate release [D.E. 93, 94]. See Concepcion v. United States, 142 S. Ct. 2389, 2402–05 (2022); Pepper v. United States, 562 U.S. 476, 480–81 (2011). The court DENIES as moot petitioner's motion for a hearing [D.E. 108].

SO ORDERED. This 17 day of April, 2023.


JAMES C. DEVER III
United States District Judge